

United States District Court  
Eastern District of California

Darrel L. Smith,

Plaintiff, No. Civ. S 04-0702 MCE PAN P

vs. Order

King, et al.,

Defendants.

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Defendant King requests leave to examine M. Baker, a prisoner in custody of the California Department of Corrections. Defendant asserts M. Baker is a witness in this action and therefore his deposition is consistent with the principles stated in Rule 26(b) (2). See Fed. R. Civ. P. 30(a) (2). Accordingly, defendant King's July 14, 2005, request is granted.

So ordered.

Dated: August 9, 2005.

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/s/ Peter A. Nowinski  
PETER A. NOWINSKI  
Magistrate Judge